ORIGINAL

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Attorneys for Plaintiffs

Lodged prop order.
10:05 am
MAR 13 1989

IN THE UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

NATIONAL ABORTION FEDERATION; CAROLYN THOMPSON; GAYLE BERRY; FAMILY PLANNING ASSOCIATES MEDICAL GROUP; FEDERATION OF FEMINIST WOMEN'S HEALTH CENTER; PLANNED PARENTHOOD OF LOS ANGELES; PLANNED PARENTHOOD OF SAN DIEGO; HER MEDICAL CLINIC; PASADENA PLANNED PARENTHOOD COMMITTEE, INC.; CARING WOMAN; CLINICA MEDICA PARA LA MUJER; DR. LEON SCHIMMEL; CALIFORNIA NOW; WOMANCARE, INC.; PLANNED PARENTHOOD OF SANTA BARBARA, VENTURA AND SAN LUIS OBISPO COUNTIES; HEALTH CARE CENTER FOR WOMEN; PICO WOMEN'S MEDICAL GROUP; FAMILY PLANNING MEDICAL CLINIC; and PLANNED PARENTHOOD/ORANGE AND SAN BERNARDINO COUNTIES,

Plaintiffs,

vs.

OPERATION RESCUE; JEFF WHITE; JOSEPH FOREMAN; DR. RANDY ADLER; and JOHN AND JANE DOES 1 through 100, inclusive,

Defendants.

CASE NO. CV 89-1181 AWT (Bx)

SUPPLEMENTAL EXHIBITS IN SUPPORT OF REQUEST FOR CIVIL CONTEMPT FINES

DATE: March 13, 1989
TIME: 11:00 A.M.
DEPT: The Honorable A. Wallace Tashima

Feb 07 00 08:53p p.1

PROOF OF PERSONAL SERVICE

I, CAROL A. SOBEL, declare:

I am a resident of the County of Los Angeles, California; that I am over the age of eighteen (18) years of age and not a party to the within-entitled cause of action; that I am employed in the County of Los Angeles, California; and that my business address is 633 S. Shatto Place, Los Angeles, California 90005.

On March 13, 1989, I served a copy of the attached documents described as SUPPLEMENTAL EXHIBITS IN SUPPORT OF REQUEST FOR CIVIL CONTEMPT FINES on the parties of record in said cause by handing a true and correct copy thereof to each of the defendants or his counsel prior to the hearing on the preliminary injunction in U.S. District Court this date:

OPERATION RESCUE
1299 EUCLID, STE. 217
GARDEN GROVE, CA. 92653

ROBERT SASSONE
900 N. BROADWAY, STE. 725
SANTA ANA, CALIF.

JEFF WHITE
2909 KRISTI COURT
SANTA CRUZ, CALIF. 95065

JOSEPH FOREMAN
OPERATION RESCUE
350 E. MARKET STREET
LONG BEACH, CALIF.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct. Executed this 13th day of March, 1989 at Los Angeles, California.

Carol A. Sobel

CAROL A. SOBEL

//

Feb 07 00 08:54p
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DECLARATION OF PENNY BERTSCH

I, Penny Bertsch do hereby declare as follows:

1. I am employed at the Chico Feminist Women's Health Center (CFWHC), 330 Flume Street, Chico, California, member of the Federation of Feminist Women's Health Centers. My present position is that of Clinic Manager and Director of Fertility Health Services.

2. On March 11, 1989, I received a phone call from Shauna Heckert, Director of the Sacramento Feminist Women's Health Center informing me that Operation Rescue (OR) was on their way to the Chico Feminist Women's Health Center. The CFWHC had women scheduled to receive medical services that morning, including abortions and fertility services.

3. On March 11, 1989, having received the warning concerning the arrival of Operation Rescue, I went to the CFWHC, arriving at approximately 8:00 a.m. I arrived prior to the OR people arriving. I instructed one of my staff to stand at the door to the entrance of the CFWHC on Plume Street to let me know when the OR people arrived. I then went to make copies of the Federal Temporary Restraining Order (See Exhibit A) to serve on the OR people.

4. At approximately 8:30 a.m. on this same date, I went down to the entrance of the CFWHC, where I saw hundreds of people, some wearing tee shirts, buttons and/or hats saying, "OPERATION RESCUE", coming down Flume street toward the CFWHC entrance. Two escorts from the CFWHC joined me at the door just prior to the crowd of OR people rushing the entrance to the CFWHC. The three of us were pushed up against the glass doors at the

Feb 07 00 08:54p p.3

entrance by the OR people who were being told by people with megaphones to squeeze in close to the door and lock arms. The glass doors to CFWHC were locked and I was afraid that the door would break. I told the OR people to back up and give us some room. They told me that "what ever happened was gods will". They kept pushing us against the door until the Chico police arrived a few minutes later. Then a man with a megaphone called by others as "Murry", told the OR people blocking the door to sit down as close as possible and lock arms. Murry told everyon to go limp if arrested. In front of me there was a mass of OR people blocking the entire sidewalk and entrance into the CFWHC. No one was able to leave or enter through the front entrance to the CFWHC.

5. I then very loudly read the Federal Temporary Restraini Order to the crowd of OR people in front of me. I also saw paralegals handing our copies of the Federal Temporary Restraini Order. Murry then told the OR people not to accept the Temporar Restraining Order. There was then hundreds of copies of the Temporary Restraining Order littering the ground.

6. A Chico police officer then advised those persons bloc the entrance to the CFWHC that they would be arrested for obstr ting the sidewalk if they did not move and allow people to pass. The Chico Police then began to arrest the people blocking the entrance. Each time one person was arrested another person would move into that persons spot and lock arms with those next to them. During the time people were being arrested one client tried to enter the CFWHC, only to be grabbed and knocked back. She was not able to gain entrance to the clinic.

7. At approximately 1:00 p.m. that same day, after the Chico Police had arrested over two hundred OR people, I was able to leave the entrance to the CFWHC.

I declare under penalty of perjury under the laws of the State of California that I have read the foregoing and that it is true and correct to the best of my knowledge. Executed on this 12th day of March, 1989, at Chico, California.

Penny Bertsch

PENNY BERTSCH

DECLARATION OF DIDO HASPER

I, Dido Hasper, do hereby declare as follows:

1. I am currently the Executive Director of Chico Feminist Women's Health Center (CFWHC), 330 Flume Street, Chico, Californi and President of the Federation of Feminist Women's Health Center

2. On March 11, 1989, I received a phone call from Shauna Heckert, Director of the Sacramento Feminist Women's Health Center informing me that Operation Rescue (OR) was on their way to the Chico Feminist Women's Health Center. The CFWHC had women scheduled to receive medical services that morning, including abortions and fertility services.

3. On March 11, 1989, having received the warning concerni the arrival of Operation Rescue, I went to the CFWHC, arriving at approximately 8:00 a.m. I arrived prior to the OR people arriving. I went into the CFWHC and called the Chico Police Department, requesting that officers be sent to the CFWHC as soon as possible. I then attempted to go out the front entrance but was unable to do so. My clinic director Penny Bertsch and two escorts were pined up against the doors to the CFWHC, with a large crowd of people in front of them.

4. I was able to exit the CFWHC through a side exit, where upon I went to talk with Officer Lawson of the Chico Police Department. I told Officer Lawson that we had women scheduled for abortion and other medical services that morning and that we needed to have the entrance to the CFWHC cleared. I provided Officer Lawson with a copy of the Federal Temporary Restraining Order and told him about the Butte County Superior Court, Prelin inary Injunction which was on file at the Chico Police Departme

(see Exhibit A).

5. I then observed Penny Bertsch hand some copies of the Federal Temporary Restraining Order to OR people blocking the entrance to the CFWHC and heard Penny Bertsch read the Federal Temporary Restraining Order to the OR people blocking the entrance to the CFWHC. I also observed paralegals handing out copies of the Federal Temporary Restraining Order to the OR people blocking the entrance to the CFWHC.

6. At approximately 10:00 a.m. on this same morning, I personally handed Joseph Scheidler a copy of the Federal Temporary Restraining Order.

7. That morning I personally observed the Chico Police order the OR people to disperse or be arrested. I then observed the Chico Police and other officers arrest OR persons, first asking them to walk to the van or bus. When an OR person refused to cooperate with the police they were carried to the bus or van by the officers. Prior to loading OR people into the bus or van they would be photographed and their name placed on the photo.

8. Later that afternoon I was present in the Chico Municipal Court and observed Joseph Scheidler be charged with a violation of 647c of the California Penal Code and section 9.44.010 of the Chico Municipal Code. (see Complaint attached Exhibit B). Joseph Scheidler entered a plea of no contest to Chico Municipal Code 9.44.010 on the condition that the 647c charge was dismissed He received a $100.00 fine.

9. On that same afternoon while in court, I observed Jeffer L. White, be charged with a violation of 747c of the California

Penal Code and section 9.44.010 of the Chico Municipal Code (see complaint Exhibit C). Jeffery White pled not guilty to both charges and was ordered to appear back in court for a pre-trial hearing. I personally saw Jeffery White blocking the entrance to the CFWHC.

10. I estimate that there were approximately 500 people involved with Operation Rescue with approximately 200 people being arrested and charged.

I declare under penalty of perjury under the laws of the State of California that I have read the foregoing and that it is true and correct to the best of my knowledge. Executed on this 12th day of March, 1989, at Chico, California.

DIDO HASPER

PAUL T. PERSONS
Attorney At Law
1834 Arroyo Canyon Drive
Chico, CA 95928
(916) 893-4710

CATHLEEN A. WILLIAMS
KANTER, WILLIAMS, MERIN AND DICKSTEIN
1014 Ninth Street
Sacramento, CA 95814

Attorneys For Plaintiff

FILED
FEB 27 1986
ELEANOR M. BECKER, County Clerk
By S. NELSON Deputy

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF BUTTE

CHICO FEMINIST WOMEN'S HEALTH CENTER, a California Non-Profit Corporation,

Plaintiff,

v.

FRANCES SCULLY, CATHY MILLER, DAVID HELSETH, KATHY MANN, VICTOR DAVIDSON, EDNA EVELYN DAVIDSON, CAROLYN LINDSEY, AND DOES 1 through 100, inclusive,

Defendants,

CASE NO.: 89695

TEMPORARY RESTRAINI ORDER

ORDER

Upon reading the verified Complaint for Injunction on fil this action and the supporting declarations and points and authorities filed therewith and hearing oral argument and oral testimony, it appears to the satisfaction of the Court therefr that this is a proper case for granting a temporary restrainin order.

APP C-9

Exhibit A 1

IT IS ORDERED THAT until further order of this court, said defendants above named, and their officers, agents, representati employees and members, and each of them, and each and every per acting at the direction of, or in combination or in concert wit said defendants be, and hereby are, restrained and enjoined fro doing any of the acts or things herein set forth below:

(1) Either the defendants or plaintiff photographing any person at or coming to or going from 330 Flume Street;

(2) Blocking any entrance and exit into the Chico Feminist Women's Health Center, located at 330 Flume Street, Chico, California;

(3) Plainitff and defendants from shouting and/or using an voice amplification devices for the purpose of harassment, and/or demonstrating at the CFWHC, located at 330 Flume Street;

(4) Using any tape recording device or recording device in front of the Health Center at the location of 330 Flume Street;

(5) Following clients and/or from being within 15 feet of clients in their cars without having been invited;

(6) Picketing, parading, marching, standing, occupying, shielding from picture by means of umbrellas or otherwise, assembling, grouping or gathering, or inducing, encouraging, or causing such conduct in the following area:

A zone 10 feet wide from the doorway of plaintiff's premises to Flume Street.

Provided however, that, defendants may cross said zone one a a time nine feet or more from the wall of the building in

order to pass from one side of the sidewalk to the other; a provided, however, that defendants may maintain, under conditions herein specified, one (1) picket or other person at either side of such 10 foot zone;

(7) Picketing, parading, marching, standing, walking, assembling, grouping, or gathering or stationing, placing o maintaining pickets within 10 feet from any other picketer. Such 10 foot distance is to be maintained by all picketers within the zone which extends 25 feet from the most norther and most southernly point of the building located at 330 Flume Street;

(8) Accosting, addressing, or offering literature to, any employee, agent, client, visitor, business invitee of plaintiff who has already refused such offer or address;

(9) Standing in or stepping in the path or right of way of plaintiff's employees, agents, clients, visitors, busine invitees, on the west sidewalk of Flume Street between Thir and Fourth Streets, Chico, California;

(10) Recording license plates of plaintiff's employees, agents, clients, visitors and business invitees;

(11) Clinic may escort clients, using two escorts to the Clinic and two escorts from the Clinic. Clients may not be shielded from pickets by means of umbrellas of otherwise unless client chooses to be shielded.

DATED this 27th day of February, 1986.

LOYD MULKEY, JR.
Judge of the Superior Court

Date in open Court on the 27th day of Feb :86 and presented for signature, and signed on this 27th day of Feb 19 86

APP C-11

FILED

APR 25 1986

ELEANOR M. BECKER, County Clerk

By [signature] Deputy

SUPERIOR COURT OF CALIFORNIA

COUNTY OF BUTTE

CHICO FEMINIST WOMEN'S HEALTH CENTER, a California Non-Profit Corporation,

Plaintiff,

vs.

FRANCES SCULLY, CATHY MILLER, DAVID HELSETH, KATHY MANN, VICTOR DAVIDSON (A.K.A. PHIL, BILL), EDNA EVELYN DAVIDSON, CAROLYN LINDSEY, and DOES 1 through 100, inclusive,

Defendants.

NO. 89695

ORDER

The Temporary Injunction heretofore issued herein on February 27, 1986 is hereby amended to provide:

1. No picketer shall identify or disclose the identity of any person approaching, entering, or leaving the Health Center at 330 Flume Street, or harass any person in this fashion.

2. Picketers must maintain a 10 foot distance from any other picketer at all times on Flume Street between 3rd and 4th Street. This includes coming to or leaving the area.

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3. At no time shall there be more than 7 picketers on Flume Street between 3rd and 4th Streets in Chico, California.

Except as amended herein, said Temporary Injunction of February 27, 1986 and all the provisions thereof shall remain in full force and effect.

DATED: April 25, 1986

LOYS H. MULKEY, JR.
Judge of the Superior Court

APP C-13

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Feb 06 00 06:39p P.4

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San Diego, California 92101
(619) 232-2121

Attorneys for Plaintiffs

MAR 2 - 1989

CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
BY: DEPUTY

IN THE UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

NATIONAL ABORTION FEDERATION; CAROLYN THOMPSON; GAYLE BERRY; FAMILY PLANNING ASSOCIATES MEDICAL GROUP; FEDERATION OF FEMINIST WOMEN'S HEALTH CENTER; PLANNED PARENTHOOD OF LOS ANGELES; PLANNED PARENTHOOD OF SAN DIEGO; HER MEDICAL CLINIC; PASADENA PLANNED PARENTHOOD COMMITTEE, INC.; CARING WOMAN; CLINICA MEDICA PARA LA MUJER; DR. LEON SCHIMMEL; CALIFORNIA NOW; WOMANCARE, INC.; PLANNED PARENTHOOD OF SANTA BARBARA, VENTURA AND SAN LUIS OBISPO COUNTIES; HEALTH CARE CENTER FOR WOMEN; PICO WOMEN'S MEDICAL GROUP; FAMILY PLANNING MEDICAL CLINIC; and PLANNED PARENTHOOD/ORANGE AND SAN BERNARDINO COUNTIES,

Plaintiffs,

vs.

OPERATION RESCUE; JEFF WHITE; JOSEPH FOREMAN; DR. RANDY ADLER; and JOHN AND JANE DOES 1 through 100, inclusive,

Defendants.

CASE NO.

~~PROPOSED~~ ORDER GRANTING PLAINTIFFS' EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER, AND/OR ORDER TO SHOW CAUSE RE: ISSUANCE OF PRELIMINARY INJUNCTION

Exibit A

APP C-14

show cause re: issuance of preliminary injunction, the accompanying declarations, exhibits, memorandum of points and authorities, and the facts presented to the Court regarding defendants' policy and practice of prior restraint, the Court finds that there is substantial likelihood that plaintiffs will prevail on the merits of their claims that they have been unlawfully restrained in the exercise of their constitutional and statutory rights to travel, to obtain an abortion, to privacy, to be free from interference by force or intimidation with the exercise of the aforesaid rights, and to be free of such other tortious conduct as defendants have engaged in, and that failure to grant immediate relief will cause plaintiffs substantial irreparable injury. Accordingly,

IT IS SO ORDERED that pending hearing and determination of the Order to Show Cause re: issuance of a preliminary injunction, the above-named defendants and each of them and all persons acting in concert and participating with them shall be and are hereby restrained and enjoined from interfering with plaintiffs' rights to travel, to obtain an abortion and other medical services, to privacy, to be free from interference by force or intimidation with the exercise of the aforesaid rights, including by conduct constituting trespass, public nuisance, intentional infliction of emotional harm, and interference with prospective economic interests and shall:

1. immediately cease trespassing on, sitting in, blocking, impeding or obstructing ingress or egress from any facility at which abortions or other family planning or gynecological services

impedes plaintiffs' [illegible]
fact of any entrance or exit to the plaintiff facilities during any actions maintained by "Operation Rescue" or a similarly structured action;

2. physically abusing persons entering or leaving, working at or using any services at any facility at which abortions are performed in the State of California through the conclusion of blockade activities;

3. attempting or directing others to take any of the actions described in paragraphs 1 and 2 above;

4. providing nothing in the Court's Order should be construed to limit defendants' exercise of their First Amendment rights;

5. directing the defendant organizations and their officers and the defendant individuals and those working in concert with them, to inform all members of the organizations and conspiracy believed to be planning to participate in the activities enjoined in paragraphs 1 through 3 above of this Order.

IT IS FURTHER ORDERED that the above-named defendants appear in this courtroom located at 312 N. Spring Street, Los Angeles, California 90012 on March 13, 1989 at 11:00 a.m. to show cause why they and each of them and all persons acting in concert and participating with them should not be enjoined from interfering with plaintiffs' exercise of their rights to travel, obtain an abortion and other medical services, privacy, freedom from interference by force or intimidation with the equal exercise

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engaged in and should not be ordered to:

1. Immediately cease any and all interference with the exercise of fundamental constitutional and statutory rights by the plaintiffs, including the right to choose an abortion, as set forth in paragraphs 1 through 3 above.

DATED: 2 - MAR 1989

[redacted] J. [redacted], JR.

UNITED STATES DISTRICT JUDGE

Respectfully presented by:

ACLU FOUNDATION OF SOUTHERN CALIFORNIA
ACLU FOUNDATION OF SAN DIEGO AND IMPERIAL COUNTIES

By: Carol A. Sobel
Carol A. Sobel
Attorneys for Plaintiffs

MAR 11 1989

In The Municipal Court

NORTH County Judicial District

County of Butte, State of California

The People of the State of California
Plaintiff.

vs.

JOSEPH M. SCHEIDLER

Defendant(s)

COMPLAINT—CRIMINAL

NO. 37613

MICHAEL L. RAMSEY, being informed and believing and based upon such information and belief, complains and accuses the said defendant(s) of the crime of OBSTRUCTING THOROUGHFARES a violation of Section 647c of the California Penal Code, a misdemeanor, committed as follows:

The ~~X~~ the above named defendant, on or about March 11, 1989 in the North County Judicial District, County of Butte, State of California, did wilfully and maliciously obstruct the free movement of any person on a street or sidewalk , or, on or in any place open to the public.

COUNT II

For a further and separate cause of complaint, being a different statement of the same offense as the charges set forth in Count I hereof, complainant further complains and accuses said above named defendant of the crime of UNLAWFUL OBSTRUCTION OF A SIDEWALK, a violation of Section 9.44.010 of the CHICO MUNICIPAL CODE, an infraction, committed as follows: the said defendant did, on or about March 11, 1989, in the City of Chico, in the County of Butte, State of California, did unlawfully obstruct the free passage of pedestrians upon a sidewalk within the City of Chico.

L. Klatt
Deputy District Attorney
(for) Michael L. Ramsey

(Exhibit B)

APP C-18

Feb 06 00 08:41p p.3

FILED

MAR 11 1989

Clerk, Municipal Court

By _____ Deputy

In The Municipal Court

NORTH - County Judicial District

County of Butte, State of California

The People of the State of California
Plaintiff.

vs.

JEFFREY L. WHITE

Defendant(s)

COMPLAINT--CRIMINAL

NO. 37601

MICHAEL L. RAMSEY, being informed and believing and based upon such information and belief, complains and accuses the said defendant(s) of the crime of OBSTRUCTING THOROUGHFARES a violation of Section 647c of the California Penal Code, a misdemeanor, committed as follows:

The ~~said~~ the above named defendant on or about March 11, 1989 in the North County Judicial District, County of Butte, State of California, did wilfully and maliciously obstruct the free movement of any person on a street or sidewalk, or, on or in any place open to the public.

COUNT II

For a further and separate cause of complaint, being a different statement of the same offense as the charges set forth in Count I hereof, complainant further complains and accuses said above named defendant of the crime of UNLAWFUL OBSTRUCTION OF A SIDEWALK, a violation of Section 9.44.010 of the CHICO MUNICIPAL CODE, an infraction, committed as follows: the said defendant did, on or about March 11, 1989, in the City of Chico, in the County of Butte, State of California, did unlawfully obstruct the free passage of pedestrians upon a sidewalk within the City of Chico.

Deputy District Attorney
(for) Michael L. Ramsey

(Exhibit C)

Feb 06 00 08:41p P.10

EXHIBIT D